

Application No. 10/695,314
Amendment dated 03/29/2005
Reply to Office Action of January 14,2005

02-TRN-178

REMARKS

Claims 1-9 are pending in the application.

The abstract of the disclosure is objected to by the Examiner because it has exceeded 150 words. The replacement abstract presented above complies with the limit of 150 words.

Claim Rejections – 35 U.S.C. § 103

Claims 1-9 remain open for consideration. Claims 1-5 stand rejected by the Examiner under 35 U.S.C. § 103 (a) as being unpatentable over U.S. Patentable No. 5,643,121 to Greenwood et al. in view of WO 02/057107 A1.

Applicant respectfully traverses the Examiners conclusion with regard to claims 1-5. The Examiner characterizes Greenwood as disclosing "An output fixed ratio element (24) configured to increase the torque from the variator and operably disposed between the variator output shaft and the gear unit input shaft." A careful review of Greenwood finds that the fixed ratio element (24) disclosed by Greenwood does not increase the torque from the variator. As shown in Figures 1 and 3 of the drawings, fixed ratio element 24 has a 1.0 ratio and, therefore neither decreases nor increases the torque from the variator. That the fixed ratio element (24) neither increases nor decreases the torque from the variator is confirmed by the specification in column 2, line 48 which first identifies element 24 as "a nonreversing gear train 24 of unity ratio."

As none of the references cited against the claims by the Examiner teach the use of a fixed ratio element to increase the torque from the variator, Applicant respectfully requests that the rejection of claims 1-5 be withdrawn.

Applicant appreciatively acknowledges the identification of claims 6-9 as being allowable if rewritten in independent form. However, as Applicant believes claims 1-5 are allowable, Applicant has maintained claims 6-9 dependent form.

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Applicant respectfully requests allowance of claims 1-9, and notification of such allowance. Applicant does not believe that any fees are due with this response. However, if any fees are due, please charge them to Deposit Account 05-0275. To the extent necessary, a Petition for Extension of Time under 37 CFR § 1.136 is hereby made, a fee for which should be charged to the above-mentioned account.

Respectfully submitted,



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